

## WILMERHALE

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The Honorable Alvin K. Hellerstein  
United States District Court for the Southern District of New York  
500 Pearl Street, Room 14D  
New York, NY 10007-1312

Re: *Metcalf v. Zoullas et al.*, 1:11-cv-03996-AKH

Dear Judge Hellerstein:

The parties jointly submit this letter to request an extension of time of 45 days to file dispositive motions in the above-referenced matter. The deadline is presently January 14, 2013.

The purpose of the extension is to permit additional time for settlement discussions before dispositive motion filings come due. On December 19, 2012, the parties participated in a mediation. While no settlement was reached at that time, the Parties made progress, and since have continued to negotiate in good faith toward a potential resolution of this matter. The requested extension would allow the Parties to continue with negotiations and the mediation process, while allowing sufficient time to finalize dispositive motions in the event that settlement discussions fail.

This is the first request for an extension of time in which to file dispositive motions by either party. There is currently a Second Case Management Conference scheduled for February 8, 2013 at 10:00am. The Parties do not believe that the requested extension would impact the scheduled conference, and no remaining dates are currently scheduled with the Court.

Respectfully submitted,

/s/ Michael G. Bongiorno

Michael G. Bongiorno

cc: All counsel of record (by email)

